

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1, 2, 4, 6-14, 17-22, 24, 25, 29-32 are pending after entry of the amendments set forth herein.

Claims 1, 2, 4, 7, 11, 13, 14, 17-20, 24, 25, and 31 are amended. New claim 32 is added. Support for these amendments is found throughout the specification, and particularly at, for example, paragraphs [0007], Figs. 1-8B, and in the claims as originally and/or previously presented.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

Rejection under §102(b)

Claims 1, 3, 4, 6-14, 17-22, 29 and 31 were rejected as being anticipated by Yoon (U.S. Pat. No. 5,842, 971). This rejection is respectfully traversed as applied and as it may be applied to the pending claims.

Yoon does not disclose a device comprising an elongate body that defines a lumen in the elongate body and a diffuser element that is operatively associated with the elongate body so as to define a diffusion space with an elongate body outer wall, where the elongate body distal end outlet is disposed in the diffusion space.

The Office attempts to equate the sleeve (18) of Yoon with the elongate body of the claims, the space occupied by Yoon's absorbent material (20) with the diffusion space of the claims, and Yoon's membrane (22) with the diffuser element of the claims. The sleeve (18) of Yoon does not define a lumen inside the sleeve, where the sleeve lumen is in fluid communication with a "diffusion space". Furthermore, there is no open distal end of any elongate body lumen of the Yoon device that is disposed within a "diffusion space", where the diffusion space is in fluid communication with the elongate body lumen. Furthermore, membrane (22) of the Yoon device does not meet the diffuser element limitation of the claimed

device since membrane (22) does not define a diffusion space with an elongate body where the elongate body distal outlet is disposed within that diffusion space.

Applicants also respectfully disagree that Yoon at col. 9, lines 34-48 teaches or suggests the elements of the claims as asserted in the Office Action. For example, there is no disclosure in Yoon of a diffuser element that is selectively permeable to water, comprises an ion-exchange membrane, or selectively impermeable to components of biological fluids, each of which is asserted to be disclosed at col. 9, lines 38-40. Yoon also does not disclose that the elongate body passageway is adapted for delivery of agent at a low volume rate at col. 9, lines 38-44.

The claimed methods relate to use of the claimed device. Because Yoon fails to teach or suggest the claimed device, Yoon also fails to teach or suggest the claimed methods.

Withdrawal of this rejection is respectfully requested.

Rejection under §103(a)

Claim 30 is rejected under §103(a) as being unpatentable over Yoon. This rejection is respectfully traversed as applied and as it may be applied to the pending claims.

As discussed above, Yoon fails to disclose or suggest the elements of the claimed device. Dependent claim 30 ultimately depends on claim 1, and thus incorporates all limitations of claim 1. Thus, for at least the reasons set out above, Yoon does not provide or make obvious all the elements of claim 30, and thus can not support a prima facie case of obviousness under §103(a).

Withdrawal of this rejection is respectfully requested.

Conclusion

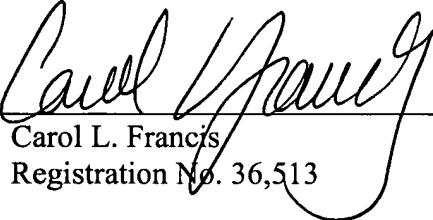
Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number DURE-023.

Respectfully submitted,
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